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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,939	09/03/1999	PAUL T. GREEN	321.5452USU	6068

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EXAMINER
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CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/389,939

Applicant(s)

GREEN, PAUL T.

Examiner

Michael Cuff

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 18-29 and 42-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 18-29 and 42-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment, filed 5/22/03, has been entered per RCE, filed 6/18/03. Claims 1-17 and 30-41 have been canceled. Claims 18 and 24 have been amended.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 42 and 44-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Marshall.

Marshall shows, figures 2, 3a, 9 and 10, a virtual reality generator for use with financial information. Figure 2 is an example of the interface panel generated by the user interface module. (presenting on a viewing screen a plurality of investment parameters, which are selectable by the user as, proposed filter conditions (parameters). Figure 3a shows a population chart (histogram, frequency of occurrence groupings, some figures are bar shaped) of financial instruments in different categories. Figures 9 and 10 show the ability to add and delete filter conditions. (capability of many different filter passes, i.e. 1 to n, actuators) Figure 10 also shows formula builders (plurality of limiters).

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall, as applied in claims 21, 27 and 42, in view of Maggioncalda et al.

Marshall shows all of the limitations of the claims except for specifying that the parameter limiter and the histogram are displayed on the same screen or at least in close proximity.

Maggioncalda et al. teaches, figure 4, a user interface for a financial advisory system where the filter conditions are on the same screen as the resultant bar graph in order to provide the ease of seeing both without flipping from screen to screen.

Based on the teaching of Maggioncalda et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Marshall virtual reality generator to provide the user interface module on the same viewing screen as the population chart in order to provide the ease of seeing both without flipping from screen to screen. In virtual reality, this could be provided as a "pop-up" screen in the virtual environment.

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6. Claims 18-21 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall in view of Chang et al.

Marshall shows all of the limitations of the claims except for retrieving data such that the population charts differ

Chang et al. teaches, column 3, lines 35-40, a bubble domain relational database system where, for a subsequent associative search, comparisons will be made only on the data for which a marker bit has been indicated in the dynamic indexing loop. (population chart differs) In this manner, the search time is minimized, since it is not necessary to search through data items, which do not meet initial criteria.

Based on the teaching of Chang et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Marshall input module and analytic system (not shown) to incorporate the data extraction method of Chang et al., including population chart differences, in order to minimize search time.

7. Claims 22-23 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination system of Marshall and Chang et al., as applied in claims 21 and 27, in further view of Maggioncalda et al.

The combination system of Marshall and Chang et al. shows all of the limitations of the claims except for specifying that the parameter limiter and the histogram are displayed on the same screen or at least in close proximity.

Maggioncalda et al. teaches, figure 4, a user interface for a financial advisory system where the filter conditions are on the same screen as the resultant bar graph in order to provide the ease of seeing both without flipping from screen to screen.

Based on the teaching of Maggioncalda et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the virtual reality generator of the combination system of Marshall and Chang et al. to provide the user interface module on the same viewing screen as the population chart in order to provide the ease of seeing both without flipping from screen to screen. In virtual reality, this could be provided as a “pop-up” screen in the virtual environment.

### ***Response to Arguments***

8. Applicant's arguments filed 5/22/03 have been fully considered but they are not persuasive.

Arguments in reference to claims 18-29 are moot in view of a new rejection.

With respect to claims 42 and 47, applicant asserts that Marshall lacks a “histogram” and a “preview”. The examiner does not concur. Applicant is reading limitations into the claims, which do not exist. The histogram argument has been presented and rebutted in the last office action. Applicant's use of the term “preview” is somewhat of a misnomer because the user is just viewing the results of the current search. The only reason that it can be considered a “preview” is because the user plans on modifying the search, which is not relevant to the claim. Marshall meets the metes and bounds of the broadly recited claims.

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Applicant asserts that displaying the parameter limiter and the histogram on the same screen is a very unique feature and that the conclusion of obviousness is erroneous. The examiner does not concur. The "windows" computer display environment is very well known and showing multiple related items on one screen is hardly unique. As for the combination of references, solving the same problem of efficient data display in the same environment of computerized data mining make sense.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*Michael Cuff* 9/5/03  
Michael Cuff  
September 5, 2003